MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

OCTOBER 2, 2012

INVOCATION:
Pastor Jim Schettler of First Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Pro Tem Orach called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Patino and Mayor Pro Tem Orach.

Mayor Lavagnino was absent.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Administrative Services Visé, Director of Public Works/City Engineer Whitehead, Deputy City Manager Lara, Police Commander Ritz, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/PRESENTATIONS:
Having no Proclamation or Resolution to present, Mayor Pro Tem Orach indicated that he would like to proclaim October 2, 2012, as "Mayor Larry Lavagnino Day" in the City of Santa Maria in recognition of his birthday.

2. PUBLIC COMMENT
Mark Rademaker spoke about his religious beliefs.

Ernest Armenta asked for an explanation on Item 3C on the Consent Calendar. He spoke about compensation of Councilmembers, indicating they were volunteers and that the voters should consider how much compensation was received in salary and benefits. He also commented that most of the candidates running in the upcoming election do not attend the Council meetings.

3. CONSENT CALENDAR
Councilmembers Boysen indicated that he had a conflict and would be abstaining from voting on Item 3D, Payment of Warrants.

Mayor Pro Tem Orach asked that Item 3C be pulled for comment and explanation.

Item 3C – Fair Political Practices Commission, Form 806
Chief Deputy City Clerk Garietz gave an overview of the requirement of the Fair Political Practices Regulation §18705.5 and its clarifying amendment to resolve the ambiguity with certain sections of the Act. The amendment allows Councilmembers to participate in a decision to appoint him/herself to a Board, Commission, Special Agency, Joint Powers Agency or Authority for which compensation is paid by disclosing the committee paying the stipend and indicating the compensated amount on FPPC Form 806 and posting on the City's website.

Consent Calendar Items 3A through 3E (except 3D) were approved on motion by Councilmember Cordero, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Patino, and Mayor Pro Tem Orach
NOES:	None
ABSENT:	Mayor Lavagnino
ABSTAIN:	None

Consent Calendar Item 3D was approved on motion by Councilmember Cordero, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Cordero, Patino, and Mayor Pro Tem Orach
NOES:	None
ABSENT:	Mayor Lavagnino
ABSTAIN:	Councilmembers Boysen

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of September 18, 2012, were approved as submitted.

C. FAIR POLITICAL PRACTICES COMMISSION, FORM 806
The City Council adopted a resolution adopting the Fair Political Practices Commission Form 806 (Agency Report of Public Official Appointments); instructed the Chief Deputy City Clerk to update the Form 806 as necessary, and post it on the City's website as mandated by FPPC Regulations §18705.5 relating to appointments of Councilmembers to intergovernmental agencies for which compensation is paid.

Resolution No. 2012-113 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE FAIR POLITICAL PRACTICES COMMISSION FORM 806, AGENCY REPORT OF PUBLIC OFFICIAL APPOINTMENTS.

D. WARRANTS.
Warrant Nos. 175158 to 175162 totaling $1,516,506.78 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 171340, 174287, 174609, 174653, 174940, 174996, 175088, 175105, and 175390 were cancelled.

E. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

PUBLIC HEARING:

4. TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 HEARING FOR THE ISSUANCE OF TAX-EXEMPT REVENUE NOTES BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE BENEFIT OF CALIFORNIA SHOCK TRAUMA AIR RESCUE (CALSTAR). Director of Administrative Services Visé gave a presentation as detailed in the written Council Agenda Report. The City Council held a public hearing under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and considered adopting a resolution approving the issuance of tax-exempt revenue notes by the California Statewide Communities Development Authority for the Benefit of California Shock Trauma Air Rescue. TEFRA loans provide tax-exempt private activity bonds to finance projects that demonstrate a public benefit. Repayment of the TEFRA loan is the responsibility of the private firm applying for the loan. He indicated that the City assumes no legal responsibility for the debt. The Act requires that the governing entity hold a public hearing and approve the issuance of the bonds. CALSTAR is local non-profit, public benefit corporation that provides medical transportation to critically ill or injured patients. The CALSTAR flight crew responds from fixed bases located in Auburn, Concord, San Luis Obispo, Gilroy, Santa Maria, South Lake Tahoe, and Ukiah. CALSTAR was seeking up to $55 million tax-exempt private activity bonds to finance the purchase of eight helicopters and other equipment.

Public Hearing
There were no written communications.

Mayor Pro Tem Orach opened the public hearing.

With no requests to speak, Mayor Pro Tem Orach closed the public hearing.

Council discussion
Councilmember Boysen asked about the sales tax revenue from the purchase of the helicopters.

Director of Administrative Services Visé responded that there would be no sales tax revenue for the City because of a State Board of Equalization regulation that exempts this particular aircraft-type of purchase from being taxable.

Councilmember Cordero commented that if the City must hold a public hearing and pass a resolution to approve the bonds, it would seem that the City could incur vicarious liability somewhere along the line. He asked what recourse the lender would have if CALSTAR defaulted on the loans.

Director of Administrative Services Visé responded that the assets would be seized and sold.

David Osoa, CALSTAR, provided an overview of CALSTAR's 27-year business history, and the services and operations it provides in Santa Maria.

Councilmember Cordero also commented that in the future when the City holds a public hearing, it should be done when there was more business on the agenda for the Council to consider than a single item to generate more interest and public comment.

Mayor Pro Tem Orach responded that he had heard a number of TEFRA hearings over his years on the Council, and this one was ministerial versus some of the others that were more controversial and had more input from the public.

Resolution No. 2012-114 to be adopted approving the issuance of tax-exempt revenue notes by the California Statewide Communities Development Authority for the benefit of California Shock Trauma Air Rescue on motion by Councilmember Patino, seconded by Councilmember Boysen, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Patino, and Mayor Pro Tem Orach
NOES:	None
ABSENT:	Mayor Lavagnino
ABSTAIN:	None

Resolution No. 2012-114 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ISSUANCE OF TAX-EXEMPT REVENUE NOTES BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR CALIFORNIA SHOCK TRAUMA AIR RESCUE.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the October 16, 2012, Council meeting including a Resolution acknowledging retired Fire Captain Jeff Van Nest years of service and a proclamation proclaiming Filipino American History Month; Consent Calendar items regarding a Notice of Completion for Hermosa Street Reconstruction, an Award of Bid for Street Maintenance (Chip Seal), and reports on no-stopping zones and limited time parking zones; a continued public hearing from September 4, 2012, regarding an Appeal of a Planned Development Permit for signs at Crossroads by GDC; and a Regular Business item regarding the Measure U2012 Expenditure Plan.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Boysen announced the Veteran's Stand Down Event on October 13th. He also asked about the comments made by individuals during public comment and when they cross the line.

City Attorney Trujillo responded that there were rules of decorum, and the comments made during public comment this evening did come close to crossing the line. Whether they actually did or not would be a judgment call. A member of the public is allowed to address any matter within the subject-matter jurisdiction of the City Council, which has been interpreted very broadly by the courts. When there is profanity or outbursts that become a disruption, the Council could then take action to quiet the speaker by turning the microphone off or escorting the individual out of the chambers.

Councilmember Patino reported that she attended the Peace Week luncheon and see Alex Posada receive the Peacemaker of the Year Award, a California for Women for Agriculture luncheon, the Local Disaster Preparedness Event hosted by PG&E and the Red Cross, City Employee barbeque and pool party, the California for Women for Agriculture's Casino Barn Night event, and the annual Minerva Club luncheon. She also announced that the City was going to hold a Town Hall meeting at St. John Neumann's Parish at 7:00 p.m. on October 11, 2012.

Councilmember Cordero reported that he attended the National Recovery Day at Buena Vista Park, a United Way meeting, the Cruzin' for Life Auction and Concert, he gave his congratulations to Alex Posada for the Peacemaker of the Year Award, the Santa Barbara Regional Transportation meeting at Shepard Hall, the check presentation by PG&E regarding natural disasters, and the City Employee barbeque.

Mayor Pro Tem Orach congratulated Alex Posada as the Peacemaker of the Year. He also reported that he attended the City Employee barbeque, and provided reminders of the Autumn Arts Grapes & Grains event on Saturday, October 6, the Town Hall meeting on October 11, and the Veteran's Stand Down event on October 13.

CLOSED SESSION:

The City Council recessed to a Closed Session at 7:09 p.m. to discuss a Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency Representative: Deputy City

Manager, Employee Organizations: Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employee.

After the Closed Session, the following report was given:

Conference with Labor Negotiator: Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Pro Tem Orach declared the meeting adjourned at 8:20 p.m.

APPROVED

October 16, 2012
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor Pro Tem of the City of Santa Maria

ATTEST

Chief Deputy City Clerk